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July 14, 2023

BY ECF

The Honorable Leonard P. Stark
United States District Court
District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, Delaware 19801

Re: *OI European Group B.V. v. Bolivarian Republic of Venezuela*, Case No. 19-mc-290-LPS
Northrop Grumman Ship Systems, Inc. v. The Ministry of Defense of the Republic of Venezuela, Case No. 20-mc-257
ACL1 Investments Ltd., ACL2 Investments Ltd., and LDO (Cayman) XVIII Ltd. v. Bolivarian Republic of Venezuela, Case No. 21-mc-46
Rusoro Mining Limited v. Bolivarian Republic of Venezuela, Case No. 21-mc-481
Koch Minerals Sàrl, Koch Nitrogen International Sàrl v. Bolivarian Republic of Venezuela, Case No. 22-mc-156
Gold Reserve Inc. v. Bolivarian Republic of Venezuela, Case No. 22-mc-453

Dear Judge Stark:

On behalf of the Plaintiffs in the above-captioned proceedings (the so-called “Six Creditor Actions” as defined in this Court’s Memorandum Order of May 10, 2023 [Case No. 19-mc-290, D.I. 151]), undersigned counsel jointly write to inform the Court of recent developments.

As this Court is aware, following this Court’s opinion and orders granting Plaintiffs’ motions for attachment, *Petróleos de Venezuela, S.A.* (“PDVSA”) and the Bolivarian Republic of Venezuela (“Venezuela”) noticed appeals to the Third Circuit Court of Appeals. Following PDVSA’s motion with the Third Circuit to stay the Six Creditor Actions pending the appeal, the Third Circuit referred such motion to the panel of the Third Circuit that would decide the merits of the appeals and “[i]n the meantime,” entered a temporary administrative stay of “additional proceedings in the six district-court actions on appeal . . . pending further order

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of the Court.” *See, e.g., OI European Group B.V. v. Bolivarian Republic of Venezuela*, Case No. 23-1647 (3d Cir. May 5, 2023) [D.I. 24].

On July 7, 2023, the Third Circuit issued in each of the appeals of the Six Creditor Actions (1) a precedential opinion affirming this Court’s opinion and orders granting the Plaintiffs’ motions for attachment, *see, e.g.*, Case No. 23-1647 (3d Cir. July 7, 2023) [D.I. 76], (2) a judgment affirming the same, *see, e.g.*, Case No. 23-1647 (3d Cir. July 7, 2023) [D.I. 77] and (3) an order denying PDVSA’s motion for a stay pending appeal. *See, e.g.*, Case No. 23-1647 (3d Cir. July 7, 2023) [D.I. 78].

As is clear from the Third Circuit’s recent decisions and orders, there is currently no stay (temporary or otherwise) in the Six Creditor Actions that would hinder this Court’s ability to (a) determine if, when and whether any of the judgments in the Six Creditor Actions are “Additional Judgments” under the Crystallex sale procedures order, or (b) enter an order (or orders) addressing the issues raised and argued at the June 26, 2023, hearing and causing that order (or orders) to be docketed and/or apply in the Six Creditor Actions.

Respectfully Submitted,

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